IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 24th day of February, 2005
IInd Bail application no. 983 of 2004
Order on the bail application of accused

CRIMINAL SIDE

Raj Kumar
S/o Mahendra Singh
R/o Purani Mandi Kicha
Udham Singh Nagar …. Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of Case Crime No. 238 of 2004
U/S 302 I.P.C.
Police Station - Kiccha
District Udham Singh Nagar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 238 of 2004, U/S 302 I.P.C., Police Station - Kiccha, District Udham Singh Nagar.

Heard Sri Nishat Intezar, learned counsel for the applicant, learned A.G.A. and perused the record.

In the counter affidavit filed by the State shows that the applicant was lastly seen in the company of the deceased and it was the applicant who took the deceased from his house and on the next day his dead body was found.

It has also been mentioned in the counter affidavit that the applicant was wearing a blood stained trouser at the time of his arrest on 29.05.2004.

The record shows that the applicant was arrested on 29.05.2004 while the incident has taken place in the intervening night 27/28.05.2004.

I could not lay my hand on any of the clinching circumstance which may connect the applicant with the commission of crime at present.

The applicant is in jail since 29.05.2004 and learned A.G.A. could not produce any criminal history of the applicant before me.

Let the applicant, Raj Kumar be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

February 24, 2005
ASWAL